

Doc Code:

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL for FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$)	\$680.00
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Complete if Known

Application Number	10/662,697
Filing Date	September 15, 2003
First Named Inventor	William J. Boyle et al.
Examiner Name	Sarah K. Webb
Art Unit	3731
Attorney Docket No.	ACSES-65470 (2309D)

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 06-2425 Deposit Account Name: FULWIDER PATTON

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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| <input type="checkbox"/> Charge fee(s) indicated below | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17 | <input checked="" type="checkbox"/> Credit any overpayments |

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Small Entity Fee (\$)	Fees Paid(\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Fee (\$)		
Utility	300	150	500	250	200	100		
Design	200	100	100	50	130	65		
Plant	200	100	300	150	160	80		
Reissue	300	150	500	250	600	300		
Provisional	200	100	0	0	0	0		

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	
				Fee (\$)	Fee (\$)
40	- 20 or HP =	7	x \$50.00	= \$350.00	
	HP = highest number of total claims paid for, if greater than 20.				
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)		
4	- 3 or HP =	1	x \$200.00	= \$200.00	
	HP = highest number of independent claims paid for, if greater than 3.				

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	0 / 50	0 (round up to a whole number)	x \$250.00	= \$0.00

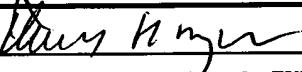
4. OTHER FEE(S)

Non-English specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Terminal Disclaimer

\$130.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	31,119	Telephone	(310) 824-5555
Name (Print/Type)	Thomas H. Majcher for FULWIDER PATTON LEE & UTECHT		Date	October 7, 2005	

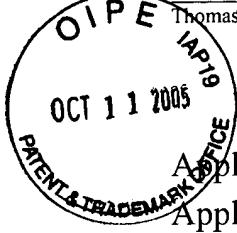
This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 7, 2005.

Thomas H. Majher, Reg. No. 31,119



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/662,697
Applicants : William J. Boyle et al.
Filed : September 15, 2003
Title : DEPLOYMENT AND RECOVERY CONTROL SYSTEMS
FOR EMBOLIC PROTECTION DEVICES
Divisional of U.S. Patent No. 6,645,223 (09/845,758 filed 4/30/01)
Art Unit : 3731
Examiner : Sarah K. Webb

Docket No.: : ACSES-65470 (2309D) Los Angeles, California
Customer No. : 24201 October 7, 2005

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TERMINAL DISCLAIMER TO OBLIGATE
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

Dear Sir:

The owner, Advanced Cardiovascular Systems, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,569,184 issued to Benjamin C. Huter on May 27, 2003. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent(s) are commonly owned. This agreement

runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent(s), as presently shortened by any terminal disclaimer, in the event that either later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(c), has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 C.F.R. § 1.20(d) in the amount of \$130.00 is enclosed herewith. Please charge any additional fees or credit any overpayment to Deposit Account No. 06-2425. A duplicate of this paper is enclosed.

The undersigned is an attorney of record.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: Thomas H. Majcher
Thomas H. Majcher
Registration No. 31,119

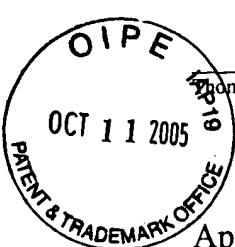
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Theresa Majcher
Thomas H. Majcher, Reg. No. 31,119

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FULWIDER PATTON LEE & UTECHT, LLP

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